

Attorney's Docket Number: P0547/7011 (RJK)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

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In re Application of: Star Medical Technologies, Inc.
Application No: 08/636,286
Filed: Apr. 23, 1996
For: METHOD FOR THE LASER TREATMENT OF SUBSURFACE BLOOD VESSELS

Petitioner, Star Medical Technologies, Inc., is the owner of 100% percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior Patent No.5,527,350 issued June 18, 1996. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

CERTIFICATION UNDER 37 C.F.R., §3.73(b)

Star Medical Technologies, Inc., a Corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [x] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7339, Frame(s) 0128, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4/17/97

Date

Star Medical Technologies, Inc.

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Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

PTO suggested wording for terminal disclaimer was

unchanged. changed (if changed, an explanation should be supplied).
Terminal disclaimer wording has been changed to incorporate a certification under 37 C.F.R. §3.73(b).